

REMARKS

The Examiner's Action mailed on Oct.19, 2004 has been received and its contents have been carefully considered. In this Amendment, Applicants have added claims 13-14 to define additional features for protection. Claims 1-14 are now pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Claims 1-12 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Applicant's Prior Art (APA hereinafter, Figures 1A-1b) in view of *Kang et al* (US 6424401). In this regard, the Office Action stated that APA disclosed all claimed limitations except for a sealant contacting the first covering layer via the opening. For at least the following reasons, Applicants respectfully disagree and request reconsideration and withdrawal of the rejection.

Kang et al disclosed a liquid display panel includes a gate insulating layer 62 provided on a lower glass substrate 60, a semiconductor layer 64 and a data link 62 that are provided on the gate insulating layer 62, an organic protective film 68 coated on the data link 66, the gate insulating film 62 and the lower glass substrate 60, a hole 70 defined by etching the organic protective film 68 on the data link 66 along the data link 66, an ITO electrode film 72 provided on the data link 66 and the organic protective film 68 within the hole 70, a seal 74 provided on the ITO electrode film 72, and an upper plate 76 bonded onto the seal 74. The upper plate 76 consists of a color filter formed on the upper glass substrate 78, a black matrix 80 and a common transparent electrode 82. The coated sealant is adhered to the ITO electrode film 72 through the hole 70. (Line 13, column 5) **Importantly, the seal 74 is adhered to the organic protective film 68 and, at the same time, to the ITO electrode film 72 via the holes 70 formed on the data links 66.**

Applicant's independent claim 1 recites a liquid crystal display (LCD) panel, comprising: an upper substrate, a lower substrate below the upper substrate and a sealant employed between the upper substrate and the lower substrate, wherein **there is a first covering layer on the lower substrate and a second covering layer on the first covering layer** and wherein **the second covering layer comprises at least an opening**, which exposes a portion of the first covering layer and **wherein the sealant contacts with the second covering layer and also contact the portion of the first covering layer via the opening** so that the upper substrate and the lower substrate are adhered.

Kang et al fails to disclose an opening penetrating the second covering layer and exposing the first covering layer, wherein the second covering layer is on the first covering layer. Furthermore, *Kang et al* fails to disclose the sealant contacting with both the second covering layer and the first covering layer via the opening. In contrast, *Kang et al* discloses the seal 74 adhered to the organic protective film 68 and, at the same time, to the ITO electrode film 72. The ITO electrode film 72 plays a role to protect a metal of the data link 66. Also, the ITO electrode film 72 **plays a role to strengthen an adhesive between the organic protective film 68 and the gate insulating film 62**. *Kang et al* states that an adhesive characteristic between the sealant coated on the seal 74 and the ITO electrode film 72 is much more excellent than that between the sealant and the organic protective film 68.

Furthermore, the suggestion to combine the references must not require substantial reconstruction or redesign of the references to arrive at the claimed invention. In *In re Ratti*, the Court of Customs and Patent Appeals (CCPA) reversed the rejection, emphasizing that the modification of the prior art would be too substantial to have been obvious. Specifically, the CCPA stated:

We hold ... that the combination of Jepson with Chinnery et al. is not a proper ground for rejection of the claims here on appeal. This suggested combination of references would require a substantial reconstruction and redesign of the elements shown in Chinnery et al. as well as a change in the basic principles under which the Chinnery et al. construction was designed to operate.


Similarly in this application, the claimed structure is not disclosed (nor is it suggested) by *Kang et al.* Therefore, claim 1 is not anticipated (or rendered obvious) by the cited reference. Moreover, since claims 2-8, 13 depend from claim 1, claims 2-8, 13 also are not anticipated or rendered obvious by *Kang et al.* Accordingly, the rejection of claims 1-8 should be withdrawn and new claim 13 added to further protect the invention is deemed to be clearly patentable. Also, for the similar reasons, the rejection of claims 9-12 should be withdrawn and new claim 14 dependent from claim 9 is deemed to be clearly patentable.

Based on the above, it is submitted that this application is in condition for allowance and such a notice, with allowed claims 1-14, earnestly is solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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